

Dr. Annie Bukacek's Testimony on Senate Bill 46

Senate Judiciary Committee February 11, 2009

SENATE JUDICIARY

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Mr. Chairman and Members of the Committee:

As the Montana Constitution states, the right to privacy is essential. However, it is not the primary right, and our constitution states it can be infringed upon if there is a compelling state interest. Recall that the right to privacy has been utilized to defend violations of human rights—whether slavery, the Nazi holocaust, child pornography, child molestation and other domestic violence, child labor, and abuse of dogs, cats, and other nonhuman species. So, obviously certain other rights supersede that of privacy.

Protection of human life is considered a compelling state interest. Our nation was founded on the right to life, as stated in our Declaration of Independence. Penalties for killing someone tend to be stiffer than for other crimes; penalties for killing humans are greater than for killing other species; robberies where the assailant carries a firearm carry a stiffer penalty because there is potential for harming human life. Our criminal justice system has these gradations of penalty because the life of a human in this culture continues to carry the highest value.

Attached to my testimony are photos of unborn children. These unborn children are no less human than you or me. They have the full human genome, just in an earlier stage of development. Does stage of development or size alter our value as a human and therefore our worthiness of protection? No it does not. If it did, tall people would be more worthy of protection than short people, middle aged people would be considered more worthy than young adults, young adults more worthy than children, and so on. That's obviously not the way it works. In fact, the more defenseless the victim, the stronger our emotions and thoughts about their need for protection.

I have included in my handout an abortion methods slide. A college professor in Missoula once told me, "It's a two celled organism, get over it." That is clearly not the case for the vast majority of abortions. Others seem to think the unborn child in an abortion just 'poof' disappears. No, the procedure is violent and painful. If someone applied a powerful suction or scalpel and ripped apart our limbs, torso, and head, there would be a public outcry. If the perpetrators could be found, they'd be tried and prosecuted because the state has a compelling interest in protecting human life. The dramatically painful way your body was destroyed might bring stiffer penalties. Yet, this is precisely what is happening to our unborn, and in my handouts are a picture of a destroyed 9 week fetus..

For persons, already born, the right to life supersedes other rights, including privacy. If there is a compelling state interest to protect your life and mine, then it is so also for these unborn lives, no less human than you. The fact is, they need *more* protection because they cannot defend themselves. I urge you to support Senate Bill 46, and give Montanan's the right to choose when they go to the ballot box in 2010.